IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 37112 of 2007(R)

PETITIONER:

SANOOP K.S., AGED 21, S/O.SIVASANKARAN,
KUTTANCHERY HOUSE, MARATHAMCODE,
THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:
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1. THE PRINCIPAL, SREEKRISHNA COLLEGE,
GURUVAYOOR.

2. THE UNIVERSITY OF CALICUT,
REP. BY ITS VICE CHANCELLOR,
THENJIPALAM, CALICUT.

BY SRI.P.C.SASIDHARAN, SC, UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 37112 OF 2007 R
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Dated this the 14th day of December, 2007

J U D G M E N T

Ext.P4 notice issued by the 1st respondent-the Principal of Sreekrishna College, Guruvayoor is under challenge. Petitioner is the Chairman of the College Union, who claims to be elected in the last elections held in the College. The basis of Ext.P4 notice is that being an accused in CC 1794/06 on the file of Judicial Magistrate Court, Kunnamkulam, the petitioner was ineligible to contest in the election. The petitioner refers to Clause 6.5.7 of Ext.P2 and contends that unless he has been tried or convicted in a criminal offence or misdemeanor, petitioner cannot be declared to be ineligible to contest in the college elections. On this basis, petitioner submits that Ext.P4 is not only unjustified and is without jurisdiction.

2. Ext.P2 eligibility criteria is only an extract of the Apex Court order dated 22/9/06 by which the Apex Court has accepted the Lyngdoh Committee Report, which was submitted based on

the appointment made by the Ministry of Human Resource Development, Government of India. By the said order, court has accepted the report and directed its implementation throughout the country.

3. That order itself provides for Grievances Redressal Cell with the Dean of the University as its Chairman. It is also stated that the Grievance Cell shall be mandated with the redressal of election-related grievance, including, but not limited to, breaches of the code of conduct of elections and complaints relating to election related expenditure.

Since the Lyngdoh Committee Report accepted by the Apex Court provides for a Grievances Redressal Mechanism, it is for the petitioner to pursue the remedy so available. Therefore, without prejudice to the right of the petitioner to move the Grievances Redressal Cell provided for in the Lyngdoh Committee Report now adopted and followed by the 2nd respondent University, I close this writ petition leaving open all the contentions that are raised in this writ petition.

ANTONY DOMINIC, JUDGE.

Rp